

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

_____)	
IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY, INC.)	CIVIL ACTION NO:
PRODUCTS LIABILITY LITIGATION)	1:13-md-02419-RWZ
_____)	
This Document Relates To:)	
All Actions)	
_____)	

JOINT MOTION OF STEPHEN HAYNES AND OWEN FINNEGAN
TO QUASH DEPOSITION SUBPOENAE

Now come Stephen Haynes ("**Haynes**") and Owen Finnegan ("**Finnegan**") and they jointly move to quash the subpoenae directed to them from Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; Vaughan Allen, MD; Specialty Surgery Center, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD. ("**Tennessee Clinic Defendants**").

As reasons on support of this motion, Haynes and Finnegan refer to their accompanying affidavits and supportive memorandum filed herewith and state as follows:

1. The Tennessee Clinic Defendants have presented Haynes and Finnegan with subpoenae requiring that they attend and provide testimony during depositions to be conducted in the above-captioned case;
2. Haynes and Finnegan believe and, therefore, aver that the

subject of such deposition will relate to their involvement and conduct as employees of New England Compounding Pharmacy, Inc. ("NECC");

3. Many principal representatives and employees of NECC have been indicted and charged with criminal misconduct in this Court;
4. Neither Haynes nor Finnegan will testify at any such deposition and will assert (and do now assert) their privilege against self-incrimination;
5. This Court has granted some subpoenaed defendants with protection against compelled testimony.

WHEREFORE, this Court, in the interest of judicial economy should quash such deposition subpoenae.

Stephen Haynes
Owen Finnegan
By Their Attorney,

/s/ Dennis R. Brown
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Rule 26(c) Certificate

Counsel for Haynes and Finnegan and counsel for the Tennessee Defendants conferred on August 18, 2015 in attempt to resolve without Court action a dispute as to whether Haynes or Finnegan should be called to testify at depositions scheduled by the Tennessee Defendants.

/s/ Dennis R. Brown
DENNIS R. BROWN, BBO 059980

DATED: September 4, 2015

Certificate of Service

I, Dennis R. Brown, hereby certify that on this 4th day, September 2015, I caused a copy of the foregoing document, which was filed using this Court's ECF system, to be served electronically upon those parties registered to receive ECF service.

/s/ Dennis R. Brown
Dennis R. Brown